

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-172

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE IMPROVEMENT AGREEMENT ADDENDUM FOR PUBLIC
IMPROVEMENTS OF ALMONDWOOD ESTATES, TRACT NO. 3273,
AND ACCEPTING STOCKTON STREET AND ALMOND DRIVE STREET
FRONTAGE IMPROVEMENTS IN ALMONDWOOD ESTATES, TRACT
NO. 3273, AND FURTHER APPROPRIATING FUNDS FOR REQUIRED
REIMBURSEMENTS

WHEREAS, Almondwood Estates, Tract No. 3273, is located north of Almond Drive and east of Stockton Street; and

WHEREAS, improvements in the subdivision include street frontage improvements along Stockton Street and Almond Drive, as well as improvements within the subdivision boundaries.

WHEREAS, on April 21, 2004, Resolution No. 2004-91 was approved by Council authorizing the installation of traffic safety improvements on Stockton and Maxwell Streets required as a result of the Neuharth Drive/Ackerman Drive abandonment requested by Cottage Bakery and appropriating funds for said work with the work to be performed by the developer of the Almondwood Estates subdivision as part of that development and the developer being reimbursed by the City under the terms of an addendum to the improvement agreement for the subdivision; and

WHEREAS, during the course of construction for the Almondwood Estates subdivision, City staff determined that, due to the deteriorated condition of the existing pavement in Stockton Street, the pavement west of the centerline should be overlaid as part of the subdivision improvements and the developer agreed to perform this work and is thereby eligible for reimbursement by the City for the work in conformance with LMC 16.40, Reimbursement for Construction, said reimbursement requiring an additional appropriation of \$20,300.00; and

WHEREAS, staff recommends that the Council approve the addendum to the improvement agreement covering the reimbursement for traffic safety improvements and improvements in Stockton Street west of the centerline and appropriate \$20,300 to cover the balance of the reimbursable costs; and

WHEREAS, the development improvements for the subdivision have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and KB Home North Bay, Inc., as approved by the City Council on June 7, 2003, and as amended on January 7, 2004, and by the above referenced Addendum to the Improvement Agreement, all as shown on City of Lodi Drawing Nos. 002D120 through 002D137 and 002D150 through 002D164; and

WHEREAS, the interior street improvements were accepted by Council on March 17, 2004, and the remaining improvements on Stockton Street and Almond Drive are now complete and staff is recommending Council acceptance of the remainder of the development.

The City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement for the Public Improvements of Almondwood Estates, Tract No. 3273, is hereby approved, and further authorizes the City Manager and City Clerk to execute said Addendum; and
2. That all requirements of the Improvement Agreement between the City of Lodi and KB Home North Bay, Inc., as approved by the City Council on June 7, 2003, and as amended on January 7, 2004, and by the above referenced Addendum to the Improvement Agreement, have been substantially completed. The improvements are shown on City of Lodi Drawing Nos. 002D120 through 002D137 and 002D150 through 002D164, on file in the Public Works Department; and
3. That funds in the amount of \$20,300 be appropriated from the Street Fund for the required reimbursements; and
4. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Stockton Street	0.00
Almond Drive	0.00
Total New Miles of City Streets	0.00

Dated: September 1, 2004

=====

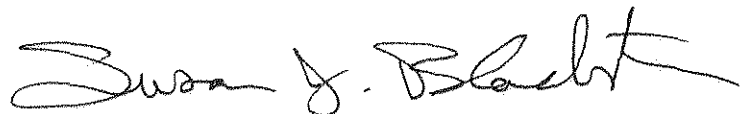
I hereby certify that Resolution No. 2004-172 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 1, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, and
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk